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 TAGS: CASC, MX, SNAR, KJUS
 SUBJECT: THE MEXICAN CRIMINAL JUSTICE SYSTEM AND THE
 - CAMARENA AND WALKER MURDER CASES

SUMMARY:

THE TRIAL OF SUSPECTS ARRESTED IN CONNECTION WITH THE ABDUCTION AND MURDER OF DEA AGENT ENRIQUE CAMARENA, WHICH IS NOW IN ITS 17TH MONTH, HAS REACHED THE FINAL STAGES OF THE HEARINGS PROCEEDINGS. A NUMBER OF MAJOR SUSPECTS IN THE CRIME, HOWEVER, REMAIN AT LARGE. WHAT FOLLOWS IS A SUMMARY OF A STUDY ON THE MEXICAN CRIMINAL JUSTICE SYSTEM WHICH THE EMBASSY RECENTLY UNDERTOOK TO HELP CLARIFY THE STATUS OF THE LEGAL PROCEEDINGS PENDING AGAINST THOSE ALREADY UNDER DETENTION IN BOTH THE CAMARENA MURDER CASE AND THAT OF JOHN WALKER.

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THE STUDY ATTEMPTS TO CLEAR UP SOME OF THE CONFUSION THAT HAS BEEN CREATED BY EFFORTS TO EXPLAIN MEXICAN LEGAL PROCEEDINGS USING US DEFINITIONS. AS THE STUDY POINTS OUT, THE MEXICAN TRIAL BEARS LITTLE FORMAL RESSEMBLANCE TO ITS US COUNTERPART. THIS HAS MADE IT DIFFICULT TO UNDERSTAND THAT THE TRIALS IN THE CAMARENA AND WALKER CASES HAVE EFFECTIVELY BEGUN EVEN THOUGH THEY MAY NOT HAVE THE APPEARANCE OF A TRIAL AS WE KNOW IT IN THE UNITED STATES. THE EMBASSY BELIEVES THAT IT COULD BE USEFUL FOR THE DEPARTMENT TO SHARE THIS INFORMATION WITH CONGRESS.
 END SUMMARY

- THE MEXICAN CRIMINAL JUSTICE SYSTEM

A. BACKGROUND

THE ONGOING INVESTIGATION INTO THE MURDER OF DEA AGENT ENRIQUE CAMARENA, WHO WAS KILLED IN FEBRUARY 1985 IN GUADALAJARA, IN THE MEXICAN STATE OF JALISCO, AND THE MORE RECENT CONTROVERSY SURROUNDING THE DETENTION AND TORTURE OF DEA AGENT VICTOR CORTEZ BY MEXICAN STATE POLICE HAVE RAISED QUESTIONS ABOUT MEXICAN LAW AND THE PROCESS BY WHICH JUSTICE IS ADMINISTERED IN MEXICO.

IN THIS REPORT, THE EMBASSY PROVIDES A BRIEF OVERVIEW OF THE MEXICAN SYSTEM OF CRIMINAL JUSTICE. THE EMBASSY HOPES

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THAT THE INFORMATION PROVIDED IN THIS REPORT WILL HELP TO PROMOTE A GREATER UNDERSTANDING OF THE DIFFERENCES BETWEEN THE MEXICAN AND U.S. LEGAL SYSTEMS, WHILE SERVING TO UNDERSCORE SOME OF THE LIMITATIONS AMERICANS OFTEN FACE IN DEALING WITH LAWS AND PROCEDURES THAT ARE ALIEN TO THEIR OWN. AS WITH ANY COURT SYSTEM THAT PROVIDES FOR THE PROTECTION OF THE RIGHTS OF THE ACCUSED, THE MEXICAN SYSTEM OFTEN INVOLVES DELAYS THAT FRUSTRATE THOSE SEEKING SPEEDY RESOLUTION OF CASES.

B. ADMINISTRATION OF JUSTICE IN MEXICO

US LAW IS BASED PRIMARILY ON ENGLISH COMMON LAW WHEREAS MEXICAN LAW IS BASED ON THE ROMAN AND NAPOLEONIC CODES. IN CRIMINAL MATTERS MEXICAN AND US LAW DIFFER IN TWO MAJOR AREAS. UNDER US LAW, THE DEFENDANT IS CONSIDERED INNOCENT UNTIL PROVEN GUILTY. BY CONTRAST, IN MEXICO WHEN LAW ENFORCEMENT AUTHORITIES HAVE ACCUSED AN INDIVIDUAL IN A CRIME, IT IS THE ACCUSED WHO HAS THE BURDEN OF PROVING HIS INNOCENCE. UNLIKE CRIMINAL PROCEEDINGS IN THE UNITED STATES, TRIAL BY JURY IN MEXICO IS THE EXCEPTION RATHER THAN THE RULE, AND THE JUDGE PLAYS A MUCH MORE ACTIVE ROLE IN THE PROSECUTION OF A CASE.

DESPITE THESE DIFFERENCES, BOTH SYSTEMS SHARE A NUMBER OF COMMON ELEMENTS. LIKE THE UNITED STATES, MEXICO IS A FEDERATED NATION, COMPRISED OF STATES THAT ARE RESPONSIBLE FOR PROSECUTING MOST OF THE CRIMES COMMITTED WITHIN THEIR TERRITORY. FOR EXAMPLE, UNDER MEXICAN LAW THE PROSECUTION OF SUCH CRIMES AS KIDNAPPING, HOMICIDE, AND BURGLARY ARE CONSIDERED THE RESPONSIBILITY OF THE STATE IN WHICH THE CRIME TOOK PLACE. OTHER CRIMES, SUCH AS DRUG OFFENSES AND ILLEGAL POSSESSION OF WEAPONS ARE REGARDED AS FEDERAL MATTERS AND FALL UNDER THE EXCLUSIVE JURISDICTION OF THE FEDERAL COURTS. HOWEVER, IN INSTANCES WHERE FEDERAL AND STATE OFFENSES HAVE BEEN COMMITTED AS PART OF THE SAME ACT, MEXICAN FEDERAL COURTS HAVE JURISDICTION OVER THE PROSECUTION OF THE CASE.

EACH STATE HAS ITS OWN PENAL CODE AND COURT SYSTEM FOR PROSECUTING CRIMES COMMITTED IN ITS TERRITORY. THE REGULATIONS ESTABLISHED IN THE STATE PENAL CODES SHARE SIMILARITIES WITH FEDERAL PENAL LEGISLATION USED IN PROSECUTING FEDERAL OFFENSES, BUT ARE NOT NECESSARILY

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IDENTICAL.

AS IN THE UNITED STATES, A CRIME COMMITTED IN MEXICO IS CONSIDERED AN OFFENSE AGAINST THE STATE, AND IT IS THE GOVERNMENT, BE IT AT THE STATE OR FEDERAL LEVEL, WHICH TAKES THE INITIATIVE IN PROSECUTING CRIMINALS. IN MEXICO, THIS TASK FALLS TO THE FEDERAL OR STATE DISTRICT ATTORNEY'S OFFICE. USUALLY A FORMAL COMPLAINT (DENUNCIA) MUST BE FILED AND CHARGES PRESSED BY THE VICTIM OF A CRIME BEFORE THE DISTRICT ATTORNEY'S OFFICE WILL INITIATE AN INVESTIGATION. FOR CERTAIN CRIMES, HOWEVER, SUCH AS HOMICIDE AND DRUG OFFENSES, THE DISTRICT ATTORNEY IS OBLIGATED TO UNDERTAKE AN INVESTIGATION WHETHER A COMPLAINT HAS BEEN FILED OR NOT.

WHEN OFFICIALS SUSPECT THAT A CRIME HAS BEEN COMMITTED, A SPECIAL INVESTIGATIVE FORCE CALLED THE JUDICIAL POLICE CONDUCTS AN INVESTIGATION UNDER THE DIRECTION OF THE STATE OR FEDERAL DISTRICT ATTORNEY'S OFFICE, DEPENDING ON THE NATURE OF THE CRIME. THE PURPOSE OF THE INVESTIGATION IS TO DETERMINE WHETHER A CRIME HAS BEEN COMMITTED, IDENTIFY POSSIBLE SUSPECTS AND GATHER EVIDENCE IN SUPPORT OF ANY FINDINGS THE AUTHORITIES MAY MAKE.

IF THE EVIDENCE AT HAND SUGGESTS THAT A CRIME HAS BEEN COMMITTED, THE DISTRICT ATTORNEY TURNS THE CASE OVER TO THE APPROPRIATE COURT FOR PROSECUTION. IN THE EVENT A SUSPECT HAS BEEN ARRESTED IN CONNECTION WITH THE CRIME, THE JUDGE HAS 72 HOURS FROM THE TIME THE ACCUSED IS PLACED AT HIS DISPOSITION TO RELEASE HIM OR ISSUE AN ORDER FOR FORMAL IMPRISONMENT.

A HEARING IS HELD TO ALLOW THE SUSPECT AN OPPORTUNITY TO ESTABLISH HIS INNOCENCE. THE SUSPECT IS CALLED TO TESTIFY BEFORE THE JUDGE AND IS CROSS-EXAMINED BY THE DISTRICT ATTORNEY AND THE COUNSEL FOR THE DEFENSE. IF DURING THIS HEARING THE JUDGE DETERMINES THAT THE SUSPECT HAS NOT PROVIDED SUFFICIENT PROOF TO EXONERATE HIMSELF AS A POSSIBLE PARTICIPANT IN THE CRIME, HE ISSUES AN ORDER OF IMPRISONMENT AND INITIATES PROCEDURES TO FORMALLY ARRAIGN THE SUSPECT. ONCE THE JUDGE ISSUES AN ORDER OF IMPRISONMENT THE TRIAL HAS EFFECTIVELY BEGUN. BAIL IS NOT AVAILABLE FOR PERSONS ACCUSED OF CERTAIN OFFENSES CARRYING AN AVERAGE SENTENCE OF 5 YEARS OR MORE IMPRISONMENT.

C. THE MEXICAN CRIMINAL TRIAL

MEXICAN CRIMINAL TRIAL PROCEDURES VARY CONSIDERABLY FROM THOSE SET UP UNDER THE ANGLO-AMERICAN SYSTEM. IN MEXICO, THE JUDGE HAS INVESTIGATORY POWERS AND CAN DEMAND THAT FURTHER INVESTIGATIONS BE CONDUCTED AND MORE EVIDENCE GATHERED TO CLARIFY ALLEGATIONS MADE BY EITHER OF THE DISPUTING PARTIES. ESSENTIALLY, A TRIAL IN MEXICO CONSISTS OF THE ATTORNEYS FOR THE TWO OPPOSING SIDES PRESENTING THEIR ARGUMENTS TO THE JUDGE IN WRITING. THE JUDGE TRIES THE CASE BASED ON THE BRIEFS PRESENTED TO HIM WITHOUT THE DECISION OF A JURY. IN A SOCIETY SUCH AS MEXICO, THIS

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PLACES CONSIDERABLE PRESSURE ON JUDGES, AS WELL AS GIVING THEM GREAT POWER.

THE MEXICAN TRIAL CONSISTS OF TWO MAIN STAGES: THE PERIOD DEVOTED TO HEARING THE CASE FOLLOWED BY THE JUDGE'S RENDERING OF A VERDICT AND SENTENCE. THE LAW ESTABLISHES CERTAIN TIME LIMITS FOR BOTH STAGES IN THE TRIAL. FOR EXAMPLE, WHEN THE MAXIMUM POSSIBLE SENTENCE IS MORE THAN TWO YEARS, THE JUDGE HAS UP TO ONE YEAR FROM THE TIME A SUSPECT IS FORMALLY ACCUSED OR ARRAIGNED TO HEAR THE CASE BEFORE HANDING DOWN HIS DECISION. IT SHOULD BE EMPHASIZED, HOWEVER, THAT THE TIMEFRAME MANDATED BY LAW IS INTENDED AS A GUARANTEE TO THE DEFENDANT FOR A SPEEDY TRIAL BUT IS NOT ALWAYS STRICTLY ADHERED TO WHEN THE DEFENDANT FEELS IT IS NOT IN HIS BEST INTEREST TO DO SO.

IN FACT, IN PRACTICE, THE DURATION OF THIS PARTICULAR STAGE IN THE TRIAL OFTEN EXCEEDS THE STATUTORY TIME LIMITS DUE TO THE VERY NATURE OF THE HEARINGS PROCESS AND TO THE NUMEROUS PROCEDURAL RECOURSES PERMITTED UNDER MEXICAN LAW, AND WHICH CAN RESULT IN THE TEMPORARY SUSPENSION OF THE HEARINGS. IT IS THEREFORE NOT UNCOMMON FOR THE HEARINGS TO TAKE AS LONG AS 12 TO 18 MONTHS.

AT ANY TIME DURING THE HEARINGS EITHER PARTY MAY APPEAL CERTAIN INTERIM DECISIONS HANDED DOWN BY THE JUDGE. UPON
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RECEIPT OF AN APPEAL, THE JUDGE TEMPORARILY SUSPENDS THE TRIAL UNTIL THE MATTER IN DISPUTE HAS BEEN RESOLVED. APPEALS CAN BE FILED ON NUMEROUS GROUNDS AND ARE TYPICALLY INVOKED IN MATTERS OF COURT JURISDICTION OR IMPROPER APPLICATION OF TRIAL PROCEDURES. MEXICAN LAW ALSO PROVIDES A SPECIAL LEGAL REMEDY CALLED THE "AMPARO", WHICH IS AN APPEAL FILED BY THE DEFENDANT AGAINST LAW ENFORCEMENT OFFICIALS BEFORE, DURING OR AFTER THE TRIAL ON GROUNDS THAT HIS CONSTITUTIONAL RIGHTS HAVE BEEN INFRINGED UPON. AN APPEAL MADE UNDER THE "AMPARO" SYSTEM IS ALWAYS REFERRED TO FEDERAL JUDICIAL AUTHORITIES FOR REVIEW, AND CAN ALSO BE INVOKED BY STATE OFFICIALS AGAINST FEDERAL INSTITUTIONS OR VICE VERSA.

THROUGHOUT THE PROCEEDINGS THE JUDGE HAS THE AUTHORITY TO ORDER WHATEVER INVESTIGATIONS HE DEEMS ARE NECESSARY TO PROSECUTE THE CASE, ACTING EITHER ON HIS OWN INITIATIVE OR ON THE REQUEST OF THE DISPUTING PARTIES. THIS CAN BE A SOURCE OF EVEN FURTHER DELAYS IN THE TRIAL. THE JUDGE MAY DECIDE TO CONDUCT A PERSONAL INVESTIGATION BY VISITING, FOR EXAMPLE, THE SCENE OF THE CRIME HIMSELF. OR, HE CAN AUTHORIZE OTHER COURTS TO TAKE TESTIMONY FROM IMPORTANT WITNESSES AND REQUEST LAW ENFORCEMENT AUTHORITIES TO GATHER ADDITIONAL EVIDENCE. ONCE THE JUDGE IS SATISFIED THAT SUFFICIENT EVIDENCE HAS BEEN SUBMITTED TO MAKE HIS DECISION AND BOTH PARTIES HAVE MADE THEIR CONCLUDING STATEMENTS, THE HEARINGS STAGE IS PRONOUNCED CLOSED AND THE JUDGE PROCEEDS TO HAND DOWN HIS VERDICT AND SENTENCE.

WHILE CAPITAL PUNISHMENT IS SANCTIONED BY THE CONSTITUTION AND SEVERAL STATE PENAL CODES, IT IS VERY RARELY IMPOSED EXCEPT FOR CRIMES AGAINST THE STATE, SUCH AS TREASON. FEDERAL AND STATE PENAL CODES PRESCRIBE FIXED PERIODS OF IMPRISONMENT FOR VARIOUS TYPES OF CRIMES. THE PENAL CODE FOR THE FEDERAL DISTRICT, WHICH IS USED IN ALL CRIMINAL CASES TRIED IN MEXICO CITY AND AT THE FEDERAL LEVEL, PRESCRIBES A MAXIMUM PRISON SENTENCE OF 40 YEARS FOR ANY CRIME OR SERIES OF CRIMES. A CONVICTION FOR MAJOR CRIMES USUALLY RESULTS IN A SENTENCE OF 10 TO 12 YEARS. HOWEVER, IF THE ACCUSED IS CONVICTED OF MORE THAN ONE CRIME, THE MAXIMUM SENTENCES FOR EACH CRIME ARE ADDED TOGETHER TO YIELD THE POSSIBLE MAXIMUM SENTENCE, PROVIDED THE TOTAL SENTENCE DOES NOT EXCEED THE 40 YEAR LIMIT SANCTIONED BY LAW. SENTENCES IN EXCESS OF 40 YEARS ARE CONCEIVABLE ONLY IN CASES WHERE A SUSPECT HAS BEEN CONVICTED OF UNRELATED CRIMES THAT HAVE BEEN PROSECUTED IN SEPARATE TRIALS. THE TIME A PRISONER HAS SPENT IN JAIL AWAITING A VERDICT COUNTS TOWARD FULFILLMENT OF ANY PRISON SENTENCE IMPOSED. THERE IS NO PAROLE FOR PERSONS CONVICTED OF DRUG OFFENSES BUT IT CAN BE OBTAINED FOR OTHER OFFENSES SUCH AS CERTAIN TYPES OF FRAUD OR OTHER MINOR CRIMINAL OFFENSES.

D. THE APPEALS SYSTEM

ANY VERDICT HANDED DOWN IN A CRIMINAL TRIAL BY A STATE OR FEDERAL JUDGE MAY BE APPEALED BY THE PROSECUTOR OR DEFENDANT TO A HIGHER COURT. IN CASES TRIED AT THE STATE

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LEVEL, A DISPUTING PARTY MAY APPEAL TO ONE OF THE STATE APPELLATE COURTS, AND IN THE FINAL INSTANCE TO THE STATE SUPREME COURT. CASES INVOLVING FEDERAL OFFENSES AND APPEALS UNDER THE "AMPARO" SYSTEM CAN BE APPEALED TO FEDERAL DISTRICT OR CIRCUIT COURTS. THE ULTIMATE RECOURSE AT THE FEDERAL LEVEL IS THE MEXICAN SUPREME COURT.

E. THE CASES OF ENRIQUE CAMARENA AND JOHN WALKER

TO DATE 103 SUSPECTS HAVE BEEN ARRESTED IN CONNECTION WITH THE CAMARENA MURDER. AMONG THOSE ALREADY ARRESTED, PRINCIPAL SUSPECTS INCLUDE : RAFAEL CARO QUINTERO, ERNESTO RAFAEL FONSECA CARRILLO, SAMUEL RAMIREZ RAZO, FRANCISCO JAVIER TEJEDA-JARAMILLO, GERARDO TORRES-LEPE, AND VICTOR MANUEL LOPEZ-RAZON.

THE PRINCIPAL CHARGES BROUGHT AGAINST THE ACCUSED ARE DRUG OFFENSES, KIDNAPPING, PREMEDITATED MURDER AND CONSPIRACY. SINCE JUDICIAL AUTHORITIES DETERMINED THAT THE FEDERAL DRUG OFFENSES AND STATE OFFENSES WERE INTER-RELATED, THE CASE WAS TURNED OVER TO A FEDERAL COURT FOR PROSECUTION, AND IS NOW UNDER THE JURISDICTION OF THE 4TH FEDERAL DISTRICT CRIMINAL COURT IN GUADALAJARA, JALISCO. AT THE TIME OF THEIR ARREST SEVERAL OF THE SUSPECTS WERE UNDER DETENTION IN A FEDERAL PRISON IN MEXICO CITY FOLLOWING THEIR EXTRADITION FROM COSTA RICA.

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FOR SECURITY REASONS THE SUSPECTS REMAIN IMPRISONED IN MEXICO CITY THOUGH THE TRIAL IS OFFICIALLY TAKING PLACE IN GUADALAJARA. THE PRESIDING JUDGE IN GUADALAJARA COLLECTS THE TESTIMONY AND EVIDENCE PRESENTED BY THE ACCUSED THROUGH THE GOOD OFFICES OF MEXICO CITY COURTS OR BY PRESIDING PERSONALLY OVER PROCEEDINGS HELD IN MEXICO CITY.

THE 4TH DISTRICT COURT IN GUADALAJARA REQUESTED THE 13TH FEDERAL DISTRICT CRIMINAL COURT IN MEXICO CITY TO TAKE THE PRELIMINARY STATEMENTS OF THE ACCUSED SHORTLY AFTER THEIR ARREST IN APRIL 1985. BASED ON THESE STATEMENTS THE PRESIDING JUDGE FORMALLY ARRAIGNED THE SUSPECTS AND INITIATED TRIAL PROCEEDINGS ON APRIL 20 1985. RECENTLY THE FEDERAL DISTRICT ATTORNEY'S OFFICE INFORMED THE EMBASSY THAT THE TRIAL IS IN THE FINAL STAGE OF HEARINGS PROCEEDINGS, WITH THE DISPUTING PARTIES IN THE PROCESS OF SUBMITTING ITS TESTIMONY AND EVIDENCE BEFORE THE JUDGE. THE TRIAL, WHICH IS NOW IN ITS 17TH MONTH, HAS REACHED THE LAST STAGE BEFORE THE JUDGE REQUESTS THE PARTIES TO SUBMIT THEIR CONCLUDING STATEMENTS AND MAKE THEIR FINAL PLEADINGS.

RAFAEL CARO QUINTERO, ONE OF THE PRINCIPAL SUSPECTS IN THE CASE, HAS 5 ADDITIONAL CRIMINAL TRIALS PENDING AGAINST HIM IN GUADALAJARA, MEXICO CITY AND LOS MOCHIS, SINALOA ON CHARGES OF MURDER, FEDERAL DRUG OFFENSES AND FRAUD. ONE OF THE TRIALS INVOLVES THE CASE OF JOHN WALKER, WHO WAS MURDERED IN GUADALAJARA IN JANUARY 1985. THE DISTRICT ATTORNEY'S OFFICE OF THE REPUBLIC HAS INFORMED THE EMBASSY THAT APPROXIMATELY 46 INDIVIDUALS HAVE BEEN ARRESTED IN CONNECTION WITH THE WALKER MURDER. SOME OF THOSE ARRESTED HAVE ALSO BEEN CHARGED IN CONNECTION WITH THE CAMARENA MURDER. OF THOSE ARRESTED, THE PRINCIPAL SUSPECTS ARE: RAFAEL CARO QUINTERO, FRANCISCO JAVIER TEJEDA JARAMILLO, ERNESTO RAFAEL FONSECA CARRILLO, JOSE LUIS BELTRAN ALVAREZ AND LUIS GONZALEZ ONTIVEROS. THE MAIN CHARGES AGAINST THE SUSPECTS ARE DRUG OFFENSES, KIDNAPPING, PREMEDITATED MURDER, ILLEGAL BURIAL, AND CONSPIRACY.

ACCORDING TO A RECENT REPORT SUBMITTED TO THE EMBASSY BY THE DISTRICT ATTORNEY'S OFFICE OF THE REPUBLIC, THE CASE WAS TRANSFERRED FROM THE 7TH STATE CRIMINAL COURT TO THE 1ST FEDERAL DISTRICT CRIMINAL COURT IN JALISCO, GUADALAJARA. THE TRIAL IS CURRENTLY IN THE FINAL STAGES OF THE HEARINGS PROCEEDINGS.

F. EMBASSY COMMENT

ALTHOUGH OVER 100 SUSPECTS HAVE BEEN ARRESTED IN CONNECTION WITH THE CAMARENA INVESTIGATION AND LEGAL PROCEEDINGS HAVE BEEN INSTITUTED, IT SHOULD BE REMEMBERED THAT SEVERAL MAJOR SUSPECTS HAVE YET TO BE APPREHENDED AND PROSECUTED. GIVEN THE NUMEROUS CHARGES THAT HAVE BEEN BROUGHT AGAINST THE ACCUSED, LENGTHY MEXICAN TRIAL PROCEDURES AND THE VARIOUS APPEALS OPEN TO THE DEFENDANTS IF CONVICTED, THE EMBASSY DOES NOT FORESEE ANY RESOLUTION OF THE CASE IN THE SHORT OR MEDIUM TERM. THE EMBASSY WILL CONTINUE TO MONITOR AND REPORT ON DEVELOPMENTS IN THE

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ONGOING INVESTIGATIONS RELATED TO THE CAMARENA AND WALKER CASES AND TO ENCOURAGE GOM OFFICIALS TO SEEK AN EXPEDITIOUS AND JUST RESOLUTION OF THE CASE.

G. CHRONOLOGY OF THE CAMARENA INVESTIGATION

BELCW FOR EASY REFERENCE IS A CHRONOLOGY OF THE MAJOR EVENTS IN THE CAMARENA INVESTIGATION. THE CHRONOLOGY WAS COMPILED BASED ON PRESS CLIPPINGS AND STATUS REPORTS PROVIDED BY THE FEDERAL DISTRICT ATTORNEY'S OFFICE .

FEB. 7 1985 : DEA AGENT ENRIQUE CAMARENA AND PILOT
- ALFREDO ZAVALA ABDUCTED IN GUADA-
- LAJARA, JALISCO

FEB. 9 1985 : MAJOR SUSPECT IN CAMARENA ABDUCTION,
- RAFAEL CARO QUINTERO, DEPARTS
- GUADALAJARA IN AIRPLANE, EVENTUALLY
- ESCAPING TO COSTA RICA

MARCH 5 1985 : BODIES OF CAMARENA AND PILOT
- DISCOVERED BY FEDERAL JUDICIAL
- POLICE AT THE EL MARINO RANCH, NEAR
- ZAMORA, 100 MILES SOUTHEAST OF
- GUADALAJARA, IN THE STATE OF

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MARCH 16 1985 : THE FEDERAL DISTRICT ATTORNEY'S OFFICE
 - TURNED OVER ITS INVESTIGATION OF THE
 - ABDUCTION AND HOMICIDE OF CAMARENA TO
 - THE 4TH FEDERAL DISTRICT CRIMINAL
 - COURT IN GUADALAJARA FOR POSSIBLE
 - PROSECUTION, IMPLICATING THE
 - FOLLOWING SUSPECTS: VICTOR MANUEL
 - LOPEZ RAZON, RAUL LOPEZ ALVAREZ,
 - GERARDO TORRES LEPE, HECTOR LOPEZ
 - MOLONIETO, BENJAMIN LOCHEO SALAZAR
 - JOSE GUADALUPE MUNOZ VILLARROEL, JUAN
 - RULFO SOLORIO OLIVA, RAFAEL CARO
 - QUINTERO, ERNESTO FONSECA CARRILLO
 - ERNESTO FONSECA CARRILLO, SAMUEL
 - RAZO AND JORGE MARIO SALAZAR ORTEGA

MARCH 17 1985 : THE 4TH FEDERAL DISTRICT JUDGE TOOK
 - THE PREPARATORY STATEMENTS OF THE
 - FOLLOWING SUSPECTS:
 VICTOR MANUEL LOPEZ RAZON,
 RAUL LOPEZ ALVAREZ, GERARDO TORRES LEPE,
 HECTOR LOPEZ MALO NIETO, BENJAMIN LOCHEO
 SALAZAR, JOSE GUADALUPE MUNOZ VILLARROEL,
 JUAN RUFO SOLORIO OLIVA.

MARCH 19 1985 : THE 4TH FEDERAL DISTRICT JUDGE RULED
 - THAT SUSPECTS CITED BY THE FEDERAL
 - DISTRICT ATTORNEY'S OFFICE SHOULD BE
 - PROSECUTED IN THE ABDUCTION/MURDER OF
 - ENRIQUE CAMARENA, THEREBY INITIATING
 - FORMAL COURT PROCEEDINGS.

APRIL 10 1985 : THE 4TH FEDERAL DISTRICT JUDGE ISSUED
 - A WARRANT FOR THE ARREST OF RAFAEL
 - CARO QUINTERO, FONSECA CARRILLO,
 - SAMUEL RAZO AND JORGE MARIO SALAZAR
 - ORTEGA.

APRIL 4 1985 : POLICE IN COSTA RICA DETAINED RAFAEL
 - CARO QUINTERO.

APRIL 1985: : CARO QUINTERO IS EXTRADITED TO MEXICO
 - AND IMPRISONED IN THE RECLUSORIO NORTE
 - PENITENTIARY, MEXICO CITY.

APRIL 12 1985 : CARO QUINTERO, FONSECA CARRILLO, RAZO
 - AND SALAZAR ORTEGA WERE INDICTED ON
 - CHARGES OF ABDUCTION/MURDER OF
 - CAMARENA; THE PROSECUTION OF THEIR
 - CASE WAS TURNED OVER TO THE 4TH
 - FEDERAL DISTRICT JUDGE, GUADALAJARA.

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APRIL 18 1985 : AT REQUEST OF THE 4TH FEDERAL DISTRICT
- JUDGE, THE 13TH DISTRICT CRIMINAL
- COURT IN MEXICO CITY TOOK PRELIMINARY
- STATEMENTS FROM CARO QUINTERO AND
- OTHER SUSPECTS IMPRISONED AT THE
- MEXICO CITY JAIL.

APRIL 20 1985 : 4TH FEDERAL DISTRICT JUDGE, GDLJRA.
- ISSUED DECREE CONVERTING THE
- DETENTION OF THE SUSPECTS INTO
- PREVENTIVE IMPRISONMENT PENDING
- PROSECUTION OF THE CASE.

APRIL 1985 : PROSECUTION BEGAN OFFERING EVIDENCE
- IN ITS CASE AGAINST DETAINED SUSPECTS.

OCTOBER 1985 : A MEXICO CITY COURT OF APPEALS HEARD
- AN APPEAL BY THE COUNSEL FOR THE
- DEFENDANTS REGARDING THE VENUE OF
- THE TRIAL.

MAY 1986 : THE DISTRICT ATTORNEY'S OFFICE OF THE
- REPUBLIC INFORMED EMBASSY THAT TRIAL
- WAS STILL IN THE HEARINGS STAGE.

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SEPTEMBER 1986 : THE DISTRICT ATTORNEY'S OFFICE OF THE
- REPUBLIC INFORMED THE EMBASSY THAT THE
- TRIAL IS IN THE FINAL STAGES OF THE
- HEARINGS PROCESS, WITH THE DISPUTING
- PARTIES IN THE PROCESS OF SUBMITTING
- THEIR PLEAS/TESTIMONY.

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INFO RUEHGU / AMCONSUL GUADALAJARA IMMEDIATE 4267

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FOR ARA/MEX, CA/OCS/EMR

F.O. 12356: N/A

TAGS: CASC, MX, SNAR, KJUS

SUBJ: CARO QUINTERO DEFENSE OBTAINS AMPARO

1. POST HAS CONFIRMED EARLIER NEWSPAPER ACCOUNT THAT DEFENSE FOR CARO QUINTERO AND OTHERS CURRENTLY UNDER DETENTION IN THE CAMARENA MURDER TRIAL HAS OBTAINED AN "AMPARO" FROM THE JUDGE OF THE SECOND FEDERAL DISTRICT COURT IN GUADALAJARA ON GROUNDS OF TWO UNSPECIFIED PROCEDURAL IRREGULARITIES.

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2. WE UNDERSTAND THAT THE DISTRICT ATTORNEY'S OFFICE EITHER HAS OR PLANS TO FILE AN APPEAL AGAINST THE GRANTING OF THE "AMPARO". IN THE INTERIM FURTHER PROCEEDINGS IN THE TRIAL HAVE BEEN SUSPENDED. ATTORNEY GENERAL'S OFFICE HAS GIVEN ASSURANCES THAT THIS DOES NOT RPT NOT MEAN CARO QUINTERO WILL BE RELEASED AS NEWSPAPER ACCOUNT REPORTED.

3. POST FOLLOWING MATTER AND WILL KEEP ADDRESSEES INFORMED. (DRAFTED CCS:RSMANN)

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